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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CARLOS ABREU, 99A3027,

Plaintiff,

-v-

08-CV-6522L

**ORDER**

Nurse V. HAWLEY, Nurse D. SMITH,  
Nurse M. BUREAU, RNA R. KILLINGER,  
FHSD Dr. LASKAWSKI, FHSD Dr. L. WRIGHT,  
C.O. B. PIERCE, C.O. S. PAULDING,  
C.O. COGGELOLA, Sgt. WILEY,  
Sgt. R. TESSMER, Lt. MONIN,  
Capt. BROWN, Capt. ROBINSON,  
DSS P. CHAPPIUS, Supts/DSP S. DOLCE,  
DSA WOELLEN, Supt. J. CONWAY,  
C.C. E. O. MARA, KAREN BELLAMY,  
IGP Supr. G. STRUEBEL, Comm. B. FISCHER,  
SW II RICHARD PAVITZ, SW II L. TRAPASSO,  
Unit Chief Scott J. CLAIR,  
DONALD SAWYER Executive Director of CNYPC/  
OMH, MICHAEL F. HOGON OMH Commissioner,  
FOIL OFFICER SANDRA Prusak, Dr. J. RAO  
Physician, RICHARD APPS Nurse  
Administration, Dr. TACCI Dentist,  
N.Y.S. DOCS and N.Y.S. OMH,

Defendant.

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Plaintiff, who is incarcerated in the Attica Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has met the statutory requirements and furnished the Court with a signed Authorization, and has requested appointment of counsel. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997), and Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore, plaintiff's motion for appointment of counsel is denied without prejudice at this time.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

**SO ORDERED.**

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s/Michael A. Telesca  
MICHAEL A. TELESCA  
United States District Judge

Dated: December 1, 2008  
Rochester, New York